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**United States District Court
Northern District of California**

UNITED STATES OF AMERICA,
Plaintiff,
v.
ERIC BURTON BENSON,
Defendant.

Case No.: CR 12-0480 YGR (KAW)

ORDER MODIFYING CONDITIONS OF RELEASE

On August 24, 2012, the parties filed a stipulation and proposed order permitting Defendant Eric Burton Benson to travel to and from the Lake Tahoe area with this family from August 30, 2012, through September 4, 2012.

Defendant has been arraigned and pled not guilty to charges of wire fraud, conspiracy, theft from an employee pension benefit plan, bank fraud, and money laundering. On August 6, 2012, the Court released Defendant from custody on an unsecured bond of \$100,000, subject to conditions of release. The Court allowed Defendant to travel to New Jersey on vacation during August 6-14.

Although the parties' proposed order states that the stipulation shows "good cause" for the modification, the parties offer no justification for their request that the Court modify the conditions of Defendant's release to allow him to travel to Tahoe.

The Court must release Defendant "subject to the least restrictive . . . conditions, that [the Court] determines will reasonably assure the appearance of the person as required and the safety of any other person and the community." 18 U.S.C. § 3142(c). The Court contacted the assigned Pretrial Services officer, Amaryllis Gonzalez, who stated that Defendant has been in compliance with the conditions of his release so far and that she had no objection to the proposed travel. As noted above, the Court previously allowed Defendant to travel out of the Northern District of

1 California, and he did not take the opportunity to abscond; this shows that allowing Defendant to
2 travel to Tahoe will still reasonably assure his appearance. Nor is there any reason to believe that
3 Defendant will pose an unreasonable danger to the community if he is allowed to travel to Tahoe.

4 Accordingly, the conditions of Defendant's release are hereby modified to allow him to
5 travel to and from the Lake Tahoe area during the period of August 30, 2012 through September
6 4, 2012.

7 IT IS SO ORDERED.
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9 DATED: August 28, 2012
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Kandis Westmore
KANDIS A. WESTMORE
United States Magistrate Judge

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